

July 17, 2007 CPC



STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

07SN0354

New Cingular Wireless PCS, LLC

Midlothian Magisterial District  
West line of James River Road

REQUEST: Conditional Use to permit a 104 foot communications tower in a Residential (R-40) District.

PROPOSED LAND USE:

A communications tower and associated improvements are planned. Specifically, the tower will be incorporated into a lighting structure located on the James River High School property. Since the tower would not meet the restrictions for towers in a residential district, a Conditional Use is required.

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposal conforms to the Public Facilities Plan which suggests that communications facilities should co-locate whenever feasible.
- B. The proposal conforms to the Tower Siting Policy which suggests that co-location on stadium light poles may be appropriate.
- C. Incorporating the communications facilities into an existing lighting structure will eliminate the need for an additional structure in the area.
- D. The recommended conditions will further minimize the possibility of any adverse impact on area development, the County Communications System or the County Airport.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

### CONDITIONS

1. Any communications tower shall be co-located on a lighting structure for the athletic field. (P)
2. The color and lighting system for the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall not be lighted. (P)
3. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

4. The tower shall not exceed a height of 104 feet. (P)
5. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

### GENERAL INFORMATION

#### Location:

West line of James River Road, south of Riverton Ridge Drive. Tax ID 728-725-Part of 6105.

#### Existing Zoning:

R-40

#### Size:

2.9 acres

Existing Land Use:

Public/semi-public; James River High School

Adjacent Zoning and Land Use:

North, South and East – R-40; Public/semi-public (schools)

West – R-15: Single-family residential

UTILITIES; ENVIRONMENTAL; PUBLIC FACILITIES

The requested amendment will have no impact on these facilities.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to construction of the communications tower.

COUNTY AIRPORT

A preliminary review of this proposal indicates that, given the approximate location and elevation of the proposed installation, it appears there will be no adverse affect on the County Airport.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Old Gun/Robious Area Land Use Plan which suggests the property is appropriate for residential use of one (1) dwelling per acre or less.

The Public Facilities Plan, an element of the Comprehensive Plan, suggests that communications uses should be co-located, whenever feasible, to minimize impacts on existing and future areas of development.

Area Development Trends:

Adjacent properties are zoned Residential (R-40 and R-15) and are occupied by single family residential uses in Riverton and River Downs Subdivisions or James River High and Bettie Weaver Elementary Schools. It is anticipated that single-family residential uses will continue in the area, as suggested by the Old Gun/Robious Area Land Use Plan.

Dwellings within 2,000 feet of the tower are shown on the Attachment. It is important to note that residential structures on this map were placed according to aerial photographs taken in 2002 and therefore may not fully represent all the structures in the area.

#### Development Standards:

The request property lies within an Emerging Growth Area. The purpose of the Emerging Growth District standards is to promote high quality, well-designed projects. However, because the request property is zoned Residential (40), development is not required to meet the development standards for Emerging Growth Areas. A condition should be imposed to require compliance with Emerging Growth Area requirements relative to the architectural treatment of the proposed equipment building. (Condition 3)

As noted herein, the request property is occupied by a lighting structure which serves James River High School athletic facilities. The proposed communications tower will be incorporated into this lighting structure (Condition 1). Specifically, the applicant plans to remove the existing lighting structure and replace it with a communications tower and remount the lighting elements at the current height. The height of the tower is not to exceed 104 feet (Condition 4). Access to the tower site will be via an existing school access to James River Road. Due to the proximity to area residential development, the communications tower should be gray or another neutral color so as to minimize the visual impact on such development. (Condition 2)

Consistent with past actions on similar facilities and to ensure that the tower does not become a maintenance problem or an eyesore, the tower should be removed at such time that it ceases to be used for communications purposes. (Condition 5)

#### CONCLUSION

The Public Facilities Plan suggests that communications towers should be located to minimize the impact on existing or future areas of development and that communications facilities should co-locate whenever feasible. The communications tower will be incorporated into an existing lighting structure. The addition of the communications facilities to the structure does not generate a visual impact that is significantly greater than the visual impact of the existing area lighting structures. This co-location will eliminate the need for an additional structure in the area. In addition, the recommended conditions will further minimize the possibility of any adverse impact on area development, as well as on the County Communications System or the County Airport.

Given these considerations, approval of this request is recommended.

